

Meeting Date: December 5, 2017	Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111 PILOT FITNESS COMMITTEE MEETING MINUTES	Page 1 of 4
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Committee Members Present:

Knute Michael Miller, Committee Chairman and Past Board President
 Brigadier General (Ret.) Chester L. Ward, MD
 Robert Kosnik, MD
 Captain Einar Nyborg, Commissioner and San Francisco Bar Pilot

Committee Members Absent:

None.

Staff Present:

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Dennis Eagan, Board Counsel
 Luis Cruz, Staff Services Analyst

Public Present:

Raymond Paetzold, San Francisco Bar Pilots (SFBP) Business Director-General Counsel, and
 Mike Jacob, Pacific Merchant Shipping Association Vice President and General Counsel.

OPEN MEETING

1. Call to order and roll call. (Chairman Miller)

Chairman Miller called the meeting to order at 10:54 a.m. Staff Services Analyst Cruz called the roll and confirmed a quorum.

**2. Approval of the minutes of Committee meeting held on September 26, 2017.
(Chairman Miller)**

Committee members were presented with the minutes from the Committee meeting held September 26, 2017. There were no comments or further discussion.

MOTION: Dr. Ward moved to approve the minutes of the meeting held on September 26, 2017. Captain Nyborg seconded the motion.

VOTE: Yes: Miller, Kosnik, Nyborg, and Ward.
 No: None.
 Abstain: None.

ACTION: The motion was approved.

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3. Update on the progress of the San Jose State University Research Foundation study on pilot fatigue. (Board Staff)

Assistant Director Cristia-Plant reported the following on the progress of the San Jose State University Research Foundation pilot fatigue study:

- Researchers recently provided a briefing to members of the SFBP on the proposed objective monitoring phase of the fatigue study.
- Researchers are continuing their literature review.
- All funding allocated to the pilot fatigue study has to be spent by June 30, 2018.
- Board staff will review the contract budget in January 2018 to ensure sufficient funding is available to complete the study.

Commissioner Nyborg inquired if the researchers did not perform the objective monitoring phases of the study, would the Board's contract have sufficient funding remaining for the study. Assistant Director Cristia-Plant replied that the university is billing the Board for its staff time on a monthly basis, and staff will work with Dr. Hobbs to reassess the contract budget and deliverables early next year.

4. Report on the pilot and trainee fitness determination process involving the Division of Occupational & Environmental Medicine at the University of California, San Francisco Campus. (Executive Director Garfinkle)

Executive Director Garfinkle reported that the pilot and trainee fitness determination process involving physicians at the University of California, San Francisco Campus (UCSF) is performing well, and that there have been approximately 200 timely medical assessments of Board-licensees and trainees. He reported that there have been a few scheduling issues, and noted that changes to fitness regulations may help the fitness determination process moving forward. He stated that overall, there appears to be a 3% complaint rate regarding the medical assessment process involving UCSF, and that he has also received very positive feedback from BOPC licensees about their medical assessment experience.

Dr. Kosnik explained the difficulties involved in aligning the schedules of examining physicians and the schedules of pilots/trainees, and reported that UCSF has implemented new internal procedures to help facilitate scheduling for both parties.

Commissioner Nyborg concurred with Executive Director Garfinkle's statements, and stated that usually pilots only report negative experiences with the fitness determination process. He stated that it would be helpful to pilots if there were standard days of the week on which medical assessments could be performed. Executive Director Garfinkle commented that most complaints about the fitness-determination process are submitted by pilots who reside farther away from the San Francisco Bay Area, with the consequence of a narrower windows of availability.

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Dr. Kosnik stated that issues arise when pilots submit vague reports of a change in their medical condition without backup documentation, and/or do not provide the additional information requested by the physician. Executive Director Garfinkle commented that there appears to be a lack of understanding among the Board licensees regarding what information needs to be reported and provided to the physicians regarding a change of medical condition.

Commissioner Nyborg proposed developing a frequently asked questions (FAQ) document, updating the medical assessment guide, and disseminating the information to all licensees and trainees.

5. Review of amendments to the Board fitness regulations in Title 7, California Code of Regulations sections 217-217.45. Possible Committee recommendation to the Board for the Committee to jointly work with the Rules and Regulations Committee to propose amendments to regulations in Title 7, California Code of Regulations sections 217-217.45 consistent with the Committee findings. (Board Staff)

Committee members were presented with Board Counsel Eagan's draft amendments to the Board's fitness regulations in Title 7, California Code of Regulations §§217-217.45, dated December 5, 2017, and a memo from Board Counsel Eagan dated the same date. The memo outlined staff's recommendations to the Committee regarding five areas of the fitness regulations that could be amended via joint sessions with the Rules and Regulations Committee. Board Counsel Eagan stated that his draft regulatory amendments have not been formally discussed, and that the proposed amendments are his attempt to be responsive to the fitness regulation issues previously discussed by the Committee.

Board Counsel Eagan reviewed his draft amendments to the regulations, which included revisions to §217.10 that establish a certain timeframe for a pilot/trainee to receive his or her medical assessments and to §217.15 that further clarify the timing of an agility test. Board Counsel Eagan noted that the Board's current medical forms would have to be revised and incorporated into the proposed regulations.

After a brief discussion, Chairman Miller proposed that the Committee recommend to the Board that the Committee work jointly with the Rules and Regulations Committee to propose amendments to the fitness regulations that would do the following:

1. Identify a time frame for timely fitness determinations and agility tests.
2. Provide that no fitness determination or agility test is required if a fitness determination or agility test has been completed within a certain time period.
3. Provide for a fitness determination that is operative for periods of less than one year.
4. Relax the qualifications for examining physicians somewhat, thereby improving the ability to provide timely fitness determinations.
5. Clarify existing regulations in various particulars and revise both Board forms and references to United States Coast Guard documents to reflect changes in federal regulations and updates of forms.

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MOTION: Dr. Ward moved that the Committee recommend to the Board that the Board authorize joint sessions of the Pilot Fitness Committee and the Rules and Regulations Committee for the purpose of drafting proposed amendments to the fitness regulations in Title 7, California Code of Regulations §217-217.45, consistent with the Committee findings. Dr. Kosnik seconded the motion.

VOTE: Yes: Miller, Kosnik, Nyborg, and Ward.
No: None.
Abstain: None.

6. Public comments on matters not on the agenda.

Mr. Paetzold noted that since the Committee identified and discussed references to federal regulations and that those regulations may change, he inquired if a mechanism existed where the Board's fitness regulations would automatically update pursuant to United State Coast Guard updating their regulations, using language such as "or successor thereto". Board Counsel Eagan stated that in his experience the Office of Administrative Law would reject this type of language as being too vague, with the public not knowing with any certainty what the law was at any given time.

7. Schedule the next Committee meeting, and proposals for the next Committee meeting agenda.

The committee agreed to hold the next meeting in January 2018. There were no proposals for the next Committee meeting agenda.

8. Adjournment.

MOTION: Chairman Miller moved to adjourn the meeting. Dr. Ward seconded the motion.

VOTE: Yes: Miller, Kosnik, Nyborg, and Ward.
No: None.
Abstain: None.

ACTION: The motion was approved and the meeting adjourned at 12:16 p.m.

Submitted by:


